

## COMMUNITY SERVICES COMMITTEE

1ST JUNE 2005

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### Report of the Acting Director of Community Services **WHEELED BIN IMPLEMENTATION**

#### **purpose of the report**

1. To update Members on the progress of the implementation of wheeled bin and green waste collection services.

#### **background**

2. Members may recall reports to this Committee on 19th January 2005 and 16th March 2005 with regard to the implementation of wheeled bin services for both household refuse and "green" waste. Further actions taken since Members considered these reports are as follows:
  - Delivery of wheeled bins to all households throughout the District is now complete.
  - Delivery of garden waste wheeled bins to the selected trial areas completed.
  - Wheeled bin lifts fitted to all refuse collection vehicles - completed
  - First emptying of wheeled bins undertaken week commencing 18th April 2005 in the Weardale/Crook areas.
  - First emptying of garden waste wheeled bins undertaken 29th April 2005.
  - First emptying of wheeled bins in the Bishop Auckland area to be undertaken week commencing 16th May 2005.
  - First emptying of wheeled bins on rural round to be undertaken week commencing 23rd May 2005.

#### **requests/complaints regarding wheeled bin refuse collection services**

3. Attached at Annex 1 are graphs detailing the number of requests received with regard to the wheeled bin collection service and other "refuse" matters. It is envisaged that the number of calls received regarding the service will reduce significantly by the end of June 2005.

#### **financial implications**

4. A total capital allocation of £750,000 was made available over the financial years 2004/05 and 2005/06 to implement both schemes.

## **legal implications**

5. Under Section 45 of the Environmental Protection Act, Wear Valley District Council has a duty to collect waste as a waste collection authority. Under Section 46 of the Environmental Protection Act the Council can require the occupier to place the waste for collection in a receptacle or receptacles of a kind and size and number specified and to place their receptacle at a specified place for collection. It is important to note that the collection point will be at the curtilage of the property and not the kerbside as, under Section 46 of the Environmental Protection Act, waste collection authorities will require the permission of the highway authority to place receptacles at kerbsides.

## **crime and disorder implications**

6. It is envisaged that the larger capacity bins will reduce the likelihood of indiscriminate dumping. Furthermore, the wheeled bins will reduce the amount of litter and untidiness throughout the District. It is also anticipated that wheeled bins will remove the possibility of operatives suffering a drugs related needle stick injury or other problems created by spillages or splitting of black sacks.

**RECOMMENDED** that Members note work undertaken to date and endorse the proposed further actions intended to complete the introduction of a wheeled bin refuse service and the first tranche of a "green waste" wheeled bin service within the District.

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## COMMUNITY SERVICES COMMITTEE

1ST JUNE 2005

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Report of the Acting Director of Community Services  
**BULKY WASTE COLLECTION SERVICE**

**purpose of the report**

1. To inform Members of the impact of Durham County Council's decision to implement a permit scheme at all household waste recycling centres and close the household waste recycling centre at Browns Houses, Frosterley on the bulky waste collection service.

**background**

2. Members will be aware that Wear Valley District Council currently operates a free of charge bulky waste collection service for specified items to members of the public. Items that will be collected include household appliances, household furniture, garden tools and equipment, toys and bikes.
3. As of 6th December 2004 Durham County Council introduced a permit scheme within the household waste recycling centres. This requires any resident who uses a van, pick-up or tows a trailer, to obtain permit to deposit household waste at any of the County Council's household waste recycling centres. Permits need to be applied for in advance of depositing the waste at the site.
4. On 22nd February 2005 Durham County Council closed the household waste recycling centre at Browns Houses, Frosterley. This results in there being no waste disposal facilities available to any member of the public in the Weardale area and would involve a 50 mile round trip for residents to deposit the waste at either Newfield or Bishop Auckland. As a result of the aforementioned decisions by Durham County Council, Wear Valley District Council has witnessed an increase in the number of requests from householders for the bulky waste collection service. At present bulky waste requests are undertaken by two 7½ tonne vehicles employed by the authority with each vehicle having a capacity to undertake approximately 35 - 45 requests per day dependent upon location. As a result of the increase in the number of requests being received, demand now outstrips capacity for the service.
5. Current resources available are the same as at the time of the service being brought in-house in April 2003. However, during April 2003 Wear Valley District Council received an average of 318 requests per week for the service. At present we are experiencing an average of 452 requests per week. It is considered that this is as a direct result of the aforementioned County Council decisions.

## **financial implications**

6. Due to the amount of requests being received it has proved necessary to hire an additional vehicle to the service. This will result in an additional cost of approximately £12,500 per year, furthermore, operatives to staff the said vehicle will cost a further £30,000 per year. Additional costs are also envisaged as a result of the implementation of the permit scheme and the closure of household waste recycling centre at Browns Houses due to an increase in the number of fly tipping incidents which has seen a rise of approximately 8% since December 2004.

## **crime and disorder implications**

7. It is envisaged that further increases in fly tipping throughout the District will result as a consequence of the permit scheme and the closure of Browns Houses.

## **human resource implications**

8. Additional members of staff are required in order to complete all works requested by residents.

## **summary**

9. It is anticipated that £42,500 per year will be required to provide and staff an additional vehicle to meet the demand. Furthermore, an increase in fly tipping incidents has resulted from the two County Council decisions.

**RECOMMENDED** that Members instruct the Acting Director of Community Services and the Director of Central Resources to consider the financial implications of the changes introduced by Durham County Council and report back to Members.

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## COMMUNITY SERVICES COMMITTEE

1ST JUNE 2005

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Report of the Acting Director of Community Services  
**CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005**

### **purpose of the report**

1. To inform Members of new environmental legislation "The Clean Neighbourhoods and Environment Act 2005" and authorise appropriate officers to enforce the Act.

### **background**

2. A run-down neighbourhood is more than just an eyesore - it can increase the fear of crime, hamper economic regeneration and result in a loss of local pride. Environmental crime consistently tops polls of residents' concerns and it has long been argued that legislation, enforcement and penalties need to reflect its corrosive effects on our communities. This new Act is designed to enable quicker and more effective enforcement that will deter offenders and demonstrate that a clean, safe and green local environment is as much a priority for the Council and local agencies as it is for residents and businesses. Local authorities will have additional powers to combat local environmental crime such as abandoned vehicles, fly-tipping and discarded chewing gum.
3. The Clean Neighbourhoods and Environment Act 2005 will give a much-needed boost to Councils' roles in cleaning up local neighbourhoods and includes granting them the powers to immediately seize vehicles caught fly-tipping, to issue fixed penalty notices for fly-posting, waste and graffiti offences and allowing them to retain any receipts accruing from such activities.
4. Some of these powers will be enacted in June 2005 and are listed in Annex 2. Others will be subject to new regulations and will be enacted in April 2006, after a period of consultation. The government will be issuing detailed guidance on the new powers and will be working closely with local government to ensure that the guidance is easy to understand and apply, and that all authorities quickly adopt the new powers.

5. The following is a list of the main provisions of the Act. The Act is divided into several topic areas:

(i) **Crime and Disorder**

The Act will require local Crime and Disorder Reduction Partnerships to take anti-social behaviour affecting the local environment into account when developing crime and disorder reduction strategies;

Local authorities will have new powers to gate nuisance alleyways.

(ii) **Fixed Penalty Notices**

The Act makes greater use of fixed penalties as an alternative to prosecution, in most cases giving local authorities the power to set their own rates;

Parish Councils will have the power to issue fixed penalties for litter, graffiti, fly posting and dog offences;

(iii) **Nuisance and Abandoned Vehicles**

Local authorities will have the power to immediately remove abandoned cars;

Two new offences will help local authorities deal with nuisance parking offering for sale two or more vehicles, or repairing a vehicle on the road as part of a business (from June 2005).

(iv) **Litter**

It extends the offence of dropping litter to all land, including private land and to rivers, ponds and lakes;

Local authorities will have new powers (litter clearing notices) to require businesses and individuals to clear litter from their land;

Local authorities will have stronger powers to require local businesses to help clear up the litter they generate (street litter control notices);

Local authorities will be able to restrict the distribution of flyers, handouts and pamphlets that can end up as litter;

Clarification that cigarette butts and discarded chewing gum are both litter.

(v) **Graffiti and fly-posting**

The Act extends graffiti removal notices (as introduced by the Anti-Social Behaviour Act 2003) to include fly-posting;

Stronger powers for local authorities to tackle the sale of spray paints to children;

Clarification that all beneficiaries of fly posting can face prosecution;

Powers for local authorities to recover the costs of removing illegal posters.

(vi) **Waste**

Measures to improve local authorities ability to deal with fly-tipping include:

- removing the defence of acting under employer's instructions;
- increasing maximum penalties;
- enabling local authorities and the Environment Agency to recover their investigation and clear-up costs;
- extending provisions on clear up to the landowner where there is no occupier.

Local authorities and the Environment Agency will have the power to issue fixed penalty notices (and, in the case of local authorities, to keep the receipts from such penalties):

- to businesses that fail to produce waste transfer notes
- to waste carriers that fail to produce their registration details or evidence they do not need to be registered
- for waste left out on the streets (local authority only) outside specified collection times

A more effective system for stop, search and seizure of vehicles used in illegal waste disposal; and enabling courts to require forfeiture of such vehicles;

A new provision covering the waste duty of care and the registration of waste carriers;

A new requirement for developers to include site waste management plans for construction and demolition projects;

Repealing the divestment provisions for waste disposal functions – this will give local authorities greater flexibility to deliver waste management services in the most sustainable way;

Reform of the recycling credits scheme to provide increased local flexibility to provide incentives for more sustainable waste management.

(vii) **Dogs**

Dog bylaws will be replaced by a new, simplified system of Dog Control Orders. These will enable local authorities and Parish Councils to deal with fouling by dogs, ban dogs from designated areas, require dogs to be kept on a lead and restrict the number of dogs that can be walked by one person;

Local authorities will have sole responsibility for stray dogs (previously this responsibility had been shared between local authorities and the police). The change will come into force only when the transfer of resources has been agreed.

(viii) **Noise**

Local authorities will have stronger powers to:

- deal with burglar alarms;
- impose fixed penalty fines on licensed premises that ignore warnings to reduce excessive noise levels;

Local authorities will have greater flexibility in dealing with noise nuisance.

(ix) **Architecture and the Built Environment**

The Commission for Architecture and the Built Environment (CABE) will be established on a statutory basis.

(x) **Miscellaneous**

Local authorities will be able to recover the costs of dealing with abandoned shopping trolleys from their owners;

Statutory nuisances will be extended to light pollution and nuisance from insects;

The contaminated land appeals process will be transferred to the Secretary of State;

Increases in penalties for various pollution offences.



### **crime and disorder implications**

6. The Act is intended to improve the local environment and penalise those who engage in behaviour which has an adverse effect on the residents of the District. Those measures which come into effect from 1st June 2005 are those which in the main are enforced by officers employed within the Community Services Department. However, the additional provisions which come into effect from April 2006 have implications for other departments and the Council as a whole and will need to be the subject of further discussion as to how they will be implemented.

### **legal implications**

7. Appropriate officers will require authorisation in order to enforce the provisions of the Act.

### **human resource implications**

8. The Act provides additional enforcement powers and therefore additional duties upon the Council. Existing staff are fully engaged in carrying out existing duties. Once the initial provisions, which come into force in June, have been in force for a trial period, it will be necessary to bring forward a further report to Members. In order to assess the staffing implications of the additional provisions which come into effect from April 2006.

### **health and safety implications**

9. Enforcement work necessarily brings officers into potentially confrontational situations where there is the possibility of injury. Existing procedures, training, provision of protective clothing and liaison with the police should ensure that staff are exposed to no additional risks.

### **financial implications**

10. Some of the provisions, e.g., those involving fixed penalty notices, will bring in additional income for the Council. However the cost of publicity and additional enforcement will mean that it is unlikely that there will be an overall increase in revenue income. This will be assessed when the arrangements have been in place for a representative period.

### **conclusion**

11. The granting of additional powers to the Council will hopefully lead to an improvement in the quality of life for residents of the District.

**RECOMMENDED**

- (i) that the post holders listed in Annex 3 be authorised to act in relation to the Clean Neighbourhood and Environment Act 2005.
- (ii) that a further report be brought before Members in due course outlining progression on the measures effective from 1st June 2005 and assessing the implications of the measures effective from 1st April 2006.

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**COMMUNITY SERVICES COMMITTEE**

**1ST JUNE 2005**

Report of the Acting Director of Community Services  
**PROPOSED AMENDMENTS TO FEES AND CHARGES**

**purpose of the report**

1. To seek Members' approval to amend a number of fees and charges, previously agreed at Policy and Strategic Development Committee on 18th February 2005 and subsequently endorsed by full Council.

**background**

2. Members will be aware that Policy and Strategic Development Committee agreed the Community Services Department's fees and charges on 18th February 2005. Following the discovery of errors and omissions it is necessary to make proposals to amend fees already agreed.

**proposal**

3. In previous years, cemetery fees for non-residents of the District have been at double the level for residents. The non-resident fees agreed by the Policy and Strategic Development Committee only showed a 5% increase on the previous year's charge, rather than showing double the new rate for residents. It is therefore proposed to increase the charge for non-resident cemetery fees as follows:

Service Area	Charge Agreed at P&SD Committee	Proposed New Charge	% Increase of New Charge on 2004/05 Charge	Notes
Burial of cremated remains	£189.00	£190.00	5.5%	Resident charge agreed at £95.00
Exclusive Right of Burial – 8ft x 3ft	£220.00	£252.00	20%	Resident charge agreed at £126.00
Exclusive Right of Burial – 8ft x 3ft with choice of ground	£0	£300.00	100%	Resident charge agreed at £150.00
Flat Stone, Head Stone, Re-position Headstone, Wooden Cross	£115.00	£116.00	5.5%	Resident charge agreed at £58.00

4. It is proposed to introduce a new charge for wheeled bins, for where extra bins are requested or where bins are repeatedly lost or stolen. A charge of £50 per bin is proposed. The Council would act in line with several other authorities who impose this charge, whilst some other authorities do not. The charge would be levied at the discretion of officers within the department.
5. In previous years, Bishop Auckland Tennis Club has been charged an annual fee for the hire and use of the tennis courts at Bishop Auckland. In 2003/2004 this fee was £680.00, increasing to £700.00 in 2004/2005. The charge for 2005/2006 was erroneously submitted to Policy and Strategic Development Committee as £420.00, rather than £720.00. It is proposed to amend the charge to £720.00 in line with the charges imposed in previous years.

### **financial implications**

6. By making the amendments to fees and charges as detailed above, the department can ensure that these services generate the required levels of income to ensure that budgeted income targets are met and that existing levels of standard are maintained. In accordance with the constitution fees and charges will be reported via the Policy and Strategic Development Committee.

### **RECOMMENDATIONS**

- (i) that Members approve the increase in charges for cemetery fees for non- residents.
- (ii) that Members approve the proposed new charge for the purchase of extra wheeled bins or repeated loss or theft or bins, to be levied at the discretion of officers.
- (iii) that Members approve the amendment to the charge for Bishop Auckland Tennis Club for hire of the tennis courts in Bishop Auckland.
- (iv) that Members propose the relevant change to fees and charges to the Policy and Strategic Development Committee.

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## COMMUNITY SERVICES COMMITTEE

1ST JUNE 2005

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Report of the Acting Director of Community Services

### **VIREMENT OF BUDGET FROM BISHOPS PARK TO GROUNDS MAINTENANCE**

#### **purpose of the report**

1. To advise Members of the need to make budget virements into the grounds maintenance budget in respect of both the last financial year and this financial year, and to request authority to make these transfers.

#### **background**

2. The Council's financial regulations dictate that where there is a likelihood of an under or overspend of a budget of more than £5,000, it is necessary to inform the appropriate committee. A further financial regulation states that the Committee will have responsibility for transferring sums of more than £5,000 and up to £10,000 from one budget heading to another within the service area.
3. Due to previous reductions in the grounds maintenance budget and the need to maintain the existing level of service, it is considered appropriate to make a provision to transfer funds from an under-utilised budget within the service area to the grounds maintenance budget.

#### **proposal**

4. In previous budget rounds, the grounds maintenance budget has been reduced from £841,010 in 2003/2004 to £702,472 in 2004/2005 and £738,200 for 2005/2006. The actual cost of operating the service in 2004/2005 is estimated to be £741,111. This was as a result of seeking to maintain the level of service held before the reductions were made to the budget, combined with additional unforeseen costs arising from the storms that took place in January and February 2005. The initial estimate from Sones for the cost of maintaining the current service for 2005/2006 is £841,109. This is still being negotiated with Sones to reduce this cost, but it is anticipated that there will be a reduction in the level of service provided if the reduced budgetary provision is to be adhered to.

5. Within the budget for maintaining the grounds at Auckland Park, there was an allocation of £9,000 for 2004/2005 and £6,000 for 2005/2006. For the past two years this budget has not been utilised and has remained as a contingency for grounds repairs. It is proposed to vire the £9,000 from the 2004/2005 budget into the grounds maintenance contract to take up some of the overspend anticipated in that financial year. Furthermore, it is proposed to vire the £6,000 for 2005/2006 into the grounds maintenance contract for this financial year, to accommodate some of the increased costs anticipated. Further avenues to cover these costs are also being investigated, including the utilisation of Section 106 monies, which should be available for the maintenance of open spaces arising from new housing developments.

### **financial implications**

6. In order to try to maintain an efficient and high quality level of service within the grounds maintenance service, it is necessary to vire under-utilised budget from elsewhere within the department's budgets to this service area. The grounds repairs budget for Auckland Park is currently under-utilised and can be vired for this purpose.

- RECOMMENDED**
- (i) The amount of £9,000 be vired from grounds repairs to Auckland Park to Grounds Maintenance for 2004/2005.
  - (ii) The amount of £6,000 be vired from grounds repairs to Auckland Park to grounds maintenance for 2005/06.

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## COMMUNITY SERVICES COMMITTEE

1ST JUNE 2005

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Report of the Acting Director of Community Services  
**REQUESTS FOR SELF-MANAGEMENT OF ALLOTMENT SITES**

**purpose of the report**

1. To consider a request for self-management from Foundry Fields Allotments in Crook and Victoria and Rosedale Allotments in Willington to become self-managed sites and to seek Member approval.

**background**

2. Wear Valley District Council is the allotment authority except where allotment sites are covered by Parish Councils. We have 31 allotment sites and it is intended to review the management arrangements and policies under the Open Space Strategy due for completion in 2006. Requests have been received from members of Allotment Associations in Foundry Fields in Crook and Rosedale and Victoria in Willington to take on self-management of the sites. In the light of timescales for the Open Space Strategy Members are asked to consider these requests.
3. The self-management of allotments is a means of empowering Allotment Associations to take full control of their sites, to set and to control rents and to be responsible for all repairs and maintenance. In return the Association would pay the District Council a reduced annual rent in return for a long-term lease. Self-management sites also have the opportunity to apply for external funding in much the same way as they currently can as an Association, but may motivate them to further enhance the site with increased ownership. The District Council, whilst losing an element of control, would reduce its maintenance liabilities.
4. Wear Valley District Council has 31 allotment sites, 15 of which are Allotment Associations. The Smallholdings and Allotments Act 1908 placed duty on local authorities to provide sufficient allotments according to demand.
5. Members will be aware that officers are currently undertaking an Open Space Strategy. Allotments would fall under this review and the scope would include quantitative and qualitative assessment of allotment sites as well as a review of current policies. The resulting action plan would recommend various outcomes for the management of allotments within Wear Valley. It is likely that this will not be complete for another year.

6. There are three general styles of allotment management. These are Council managed, Allotment Association, and self-management.

### **Council Managed**

With these sites the Council sends out invoices to all plot holders annually. The Council has responsibilities for grounds maintenance and repairs to grounds. It also has responsibility to ensure that access issues are dealt with including paths, fences and water and it manages any waiting list and application process. The allotment holders are seen as individuals and neither the allotment holders nor the Council is able to gain access to external funding.

### **Allotment Associations**

The Council sends out one annual invoice to the Association at a 10% reduction for the first year and 5% reduction for subsequent years. The Association collects rents from all plot holders and passes on the fee to the Council. The Council has maintenance responsibilities for paths, fences and water. The Council forwards any applications for allotment plots directly to the Association to be dealt with. Allotment holders are seen as one Association and therefore have the ability to access external funding streams. The Association must raise its own money for expenses and development.

### **Self-Management**

The Council leases land on a long-term basis at either a reduced or peppercorn rent. The Association has responsibility for repairs and maintenance, paying rates and water and manages its own waiting list. The Allotment Association of a self-managed site is seen as one tenant. The Association is able to gain access to external funding and if the Association fails the Council has responsibility where there is sufficient demand, to step in as the allotment authority.

7. Self-management can be a popular solution to reduce responsibilities on any Council by empowering a section of the community to take control. Darlington Borough Council has started to go down this route with a number of allotment sites and Middlesbrough Borough Council are shortly to follow.
8. It is likely that self-management will be put forward as one desirable option at the start of the action plan coming from the Open Space Strategy.

### **financial implications**

9. The current budget for the allotment service indicates a net income of £3,552. Neither of the two sites in question have needed the Council to spend any of its £1,000 annual maintenance budget over recent years. This is because they are well run by their respective Associations and have received external grants for improvements. Income received from Foundry Fields and Victoria and Rosedale is £789 and £2,872 respectively. Depending on rent sent, this income could be significantly reduced. This rental fee may need to be referred to the District Valuer.



10. The above costs to the Council through repairs do not take into account the staff costs for half of one full time post of Senior Administration Officer.

#### **timescales**

11. The Council's Open Space Strategy is due for completion in 2006, and with an action plan starting then it would be unlikely to see self-management of allotments until April 2007.
12. Given that the two Associations are ready in principle and providing the legal issues can be resolved, it could be no later than April 2006 before self-management sites at Foundry Fields and Rosedale and Victoria materialise.

#### **legal implications**

13. Legal Services would be required to draw up appropriate agreements. These agreements would need restrictions on land use, they would need to comply with Access for All policies and they would need to contain a clause for rescuing the allotment site should the Association be unable to fulfil its responsibilities.

#### **conclusion**

14. After receiving requests from Foundry Fields and Victoria and Rosedale Allotments Associations for self-management this Committee is asked to consider that officers negotiate the terms of self-management of these and subsequent sites prior to the outcome of the Open Space Strategy in 2006.

- RECOMMENDED**
- (i) that Members instruct officers to enter into negotiations for self-management of Foundry Fields and Rosedale and Victoria allotment sites.
  - (ii) that officers be given authority to consider any subsequent request.

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